



September 6, 2023

Via ECF

Honorable Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

Re: *Ahmad v. NYU Langone Health System et al.*
Civil Action No.: 1:22-cv-01248-JLR

Dear Judge Gorenstein:

This firm represents the Plaintiff in the above-referenced matter. We write pursuant to Your Honor's Order, dated August 30, 2023, to respond to Defendants' proposed Confidentiality and Clawback agreements. (Dkt. 47). Additionally, the undersigned writes to seek clarification concerning the deadline by which Defendants must produce the documentation ordered by Your Honor at the August 30, 2023 discovery conference.

On August 30, 2023, Your Honor instructed Defendants' to send the undersigned a proposed confidentiality agreement by September 5, 2023 in order for the Parties to meet and confer regarding the language of the agreement prior to Defendants' filing the proposed confidentiality agreement on September 6, 2023. On September 5, 2023, Defendants' sent the undersigned proposed Confidentiality and Clawback agreements. Thereafter, the undersigned sent Defendants' counsel a few suggested edits to the proposed agreements, primarily designed to make these agreements mutual as to both Parties. On September 6, 2023, instead of responding to the undersigned's email or suggested edits, Defendants' counsel signed and filed their original and unedited versions of these agreements.

Accordingly, Plaintiff respectfully requests the opportunity to meet and confer with Defendants' counsel regarding these partially executed stipulations solely drafted by Defendants' counsel. Additionally, we write to seek clarification concerning the deadline by which Defendants must produce the documentation ordered by Your Honor at the August 30, 2023 discovery conference. We thank the Court for its consideration of this request.

Respectfully Submitted,
DEREK SMITH LAW GROUP, PLLC

/s/ Daniel Altaras
Daniel J. Altaras, Esq.

The parties should confer immediately in an attempt to agree on a confidentiality order and provide either a proposed agreed order or separate orders. If separate orders, the parties should provide both a clean version of the party's proposal and a marked version that shows how it differs from the other side's proposal. The party's proposal and marked version should be annexed to a letter that explains why the party's version is preferable. Please try to file these letters (or, even better, a joint proposal) by September 11, 2023 (unless the parties agree on a later date).

As for the date of the ordered production, the Court assumed the defendant would act with alacrity and that the parties could agree on a reasonable date. If not, the parties should send a joint letter on the date issue that gives each side's position.

So Ordered.



GABRIEL W. KORENSTEIN
United States Magistrate Judge

September 6, 2023